

Remarks

The Non-Final Office Action dated April 2, 2009 has been carefully reviewed and these remarks are responsive to that Office Action. Claims 1-8, 11, 12 and 14-23 are pending in the application. Claims 12 and 14-23 are allowed. Claims 1-8 and 11 are rejected. Claim 1 has been amended. As explained in more detail below, Applicants respectfully submit that all claims are in condition for allowance and respectfully request such notification.

Claim Rejections Under 35 U.S.C. § 101

Claims 1-8, and 11 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Independent claim 1 has been amended by this response. *In re Bilski* states that “a claim that purportedly lacks any ‘physical steps’ but is still tied to a machine or achieves an eligible transformation passes muster under § 101.” 545 F.3d 943, 961 (Fed. Cir. 2008). Applicants respectfully submit that claim 1 provides a transformation and utilizes a machine, a “a medical device system,” to administer a treatment therapy.

Claim 1 identifies “the medical device system” administering the treatment therapy in the body of claim 1. Furthermore, Applicants submit that claim 1 provides a transformation by receiving a first input, receiving a second input, and then administering a treatment therapy by the medical device system in accordance with the first and second inputs. Therefore, Applicant respectfully submits that the method claims are directed to statutory subject matter and respectfully requests withdrawal of the rejection under 35 U.S.C. §101.

Dependent claims 2-8 and 11 which ultimately depend from independent claim 1 are allowable for at least the same reason as independent claim 1.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance. If any matters can be addressed via telephone, the Examiner is invited to contact the undersigned at the number provided below.

Respectfully submitted,

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